

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

JONATHAN R., et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 3:19-cv-00710

JIM JUSTICE, et al.,

Defendants.

ORDER

Pending before the court are two motions. First is Defendants' Motion for Leave to File Under Seal Exhibits 156–160 attached to Declaration of Philip J. Peisch submitted in support of the Motion for Summary Judgment. [ECF No. 536]. Second is Plaintiffs' Motion for Leave to File Under Seal Exhibits 6, 10, 51, 55, 57, 60, 64, 71, 72, 79, 82, 92, 96, 97, 98, 101, 102, 108, 109, 113, and 128 ("Plaintiffs' Exhibits") attached to Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion for Summary Judgment. [ECF No. 556]. Neither party opposed the other's motion, and the motions are ripe for review.

Both parties make this request pursuant to Local Rule 5.2.1, Local Rule 26.4(b), and the Protective Order entered in this case. [ECF No. 537, at 1; ECF No. 557, at 1]. Generally, public inspection of court documents is necessary, but information may qualify for protection if the movant explains in a memorandum why sealing is necessary, "giving due regard to the parameters of the common law and

First Amendment rights of access” to the courts. Loc. R. Civ. P. 26.4(c). The rules provide that a movant “must demonstrate with specificity that (1) the information qualifies for protection” and “(2) good cause exists for restricting dissemination on the ground that harm would result from its disclosure.” Loc. R. Civ. P. 26.4(b). Further, Local Rule 5.2.1 provides that if the involvement of a minor child is mentioned, then only the initials of that child should be used. Even if the documents are sealed, however, the court will require “the part[ies] to file a redacted copy for the public file.” Loc. R. Civ. P. 5.2.1(a).

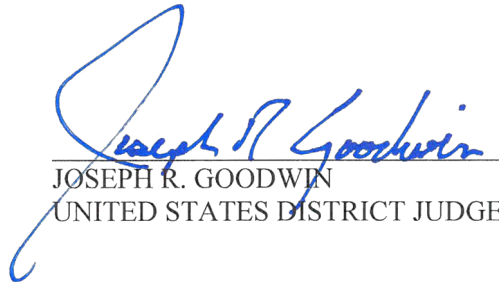
Exhibits 156–160 and Plaintiffs’ Exhibits in this case include information related to juvenile abuse and/or neglect cases. Under West Virginia law, “all records and information concerning a child or juvenile which are maintained by . . . the Department of Human Services . . . or court or law-enforcement agency, are confidential and may not be released or disclosed to anyone.” W. Va. Code §49-5-101(a). This also complies with the protective order previously entered in this case. *See* [ECF No. 78].

For good cause shown, both motions, [ECF Nos. 536, 556], are **GRANTED**. Defendants’ Exhibits 156–160, [ECF No. 536-1–5], which are attached in full to Defendants’ Motion, are to be filed **under seal**. Plaintiffs’ Exhibits 6, 10, 51, 55, 57, 60, 64, 71, 72, 82, 92, 97, 98, 101, 102, 108, 109, 113, and 128, [ECF No. 556-2–20], which are attached in full to Plaintiffs’ Motion, are to be filed **under seal**. Plaintiffs are directed to file Exhibits 79 and 96 referenced in [ECF No. 556] but not attached, and those exhibits too are to be filed **under seal**.

The parties are further **ORDERED** to file redacted copies of all aforementioned exhibits with the Clerk of the court. Parties should redact all personally identifying information that warranted the sealing of the documents.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: August 28, 2024



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE